

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

WENDELL H. STONE COMPANY,)	
INC. d/b/a STONE & COMPANY,)	
individually and on behalf of all)	
others similarly situated,)	Case No. 2:18-cv-01133-NBF
)	
Plaintiff,)	CLASS ACTION COMPLAINT
)	
v.)	JURY TRIAL DEMANDED
)	
NATIONWIDE FUNDING GROUP)	
CORP., a California corporation,)	
)	
Defendant.)	

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that Plaintiff Wendell H Stone Company, Inc. d/b/a Stone & Company ("Plaintiff" or "Stone"), dismisses this lawsuit against and Defendant Nationwide Funding Group Corp. without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) **By the Plaintiff.**

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal-

or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i) without prejudice.

WENDELL H. STONE & COMPANY, INC.,
individually, and on behalf of all others
similarly situated,

By: /s/ Stuart C. Gaul, Jr.

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*Counsel for Plaintiff and the Putative
Classes*

AND NOW, this 21st

day of September, 2018

IT IS SO ORDERED.

Nora J. Fickens
UNITED STATES DISTRICT JUDGE